

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7840

BILL NUMBER: SB 457

NOTE PREPARED: Apr 23, 2003

BILL AMENDED: Apr 3, 2003

SUBJECT: Immunization Information.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. Bardon

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill specifies the purposes for which the Immunization Data Registry may be used and specifies who may obtain the information. It requires information concerning the registry to be provided to patients. It also provides immunity to certain persons who use the Registry. The bill makes disclosing confidential registry information a Class A misdemeanor.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) *Information Requirements:* Currently, the Indiana State Department of Health (ISDH) is recruiting physicians who provide immunizations to provide information for the Immunization Data Registry. A physician who signs a confidentiality agreement receives Internet access to the Registry for uploading and downloading information. Physicians are provided with posters, a provider pamphlet discussing the Registry, and a sample of a patient pamphlet from the Centers for Disease Control (CDC). CDC funding is used to provide this packet of material and to provide materials for patients if the physician requests additional pamphlets. To the extent that the bill would require ISDH to develop materials for the provider to disseminate to patients and this material is available through the CDC, there would be no increased cost under the bill.

The bill changes participation in the registry from an "opt in" authorization to an "opt out" authorization. Under the current statute, the immunization information may be entered into the registry if the patient authorizes that this information may be provided. The bill provides that the participating immunization providers may provide immunization information to the registry unless the patient or the patient's parent or guardian has filed an immunization data exemption form.

Data Utilization: Additionally, the bill would add specific uses for the data in the Registry, including assurances that immunizations are provided and overimmunization is avoided, and to assess immunization coverage rates. Also, the Registry could be used to document that required immunizations have been provided for school or child care admissions. To the extent that ISDH would provide information to schools in a read-only format or to other agencies for analysis with identifying information eliminated, costs could increase. The amount of increase would depend on the modifications needed to provide the information for these purposes.

Explanation of State Revenues: *Class A Misdemeanor:* The bill also provides for a Class A misdemeanor for knowingly, intentionally, or recklessly disclosing confidential information contained in the Registry. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Class A Misdemeanor:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Class A Misdemeanor:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Indiana State Department of Health.

Local Agencies Affected: Local health departments, School corporations, Trial courts, local law enforcement agencies.

Information Sources:

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